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ALEXANDER L. STEVAS,
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No. 82-544

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

PETER S. TRAYNOR,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

APPENDICES

TO

PETITION FOR WRIT OF CERTIORARI

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APPENDIX A
MEMORANDUM OPINION
United States Court of Appeals
For the Ninth Circuit
Filed June 16, 1982

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ORDER
United States Court of Appeals
For the Ninth Circuit
Filed August 5, 1982

FILED June 16, 1982

PHILLIP B. WINBERRY
Clerk, U.S. Court of
Appeals.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No.81-1723
Plaintiff-Appellee,	D.C. No. CR 79-159-LTL
vs.	MEMORANDUM
PETER S. TRAYNOR,	
Defendant-Appellant.	

Appeal from the United States District Court for the Central District of California

Honorable Lawrence T. Lydick, United States District Judge, Presiding

Argued and Submitted: June 11, 1982

Before: KENNEDY, POOLE, and REINHARDT, Circuit Judges.

We affirm appellant's conviction.

Appellant's challenge to the indictment

by virtue of the absence of some grand jurors from some sessions was rejected in United States v. Leverage Funding Systems, Inc., 637 F.2d 645 (9th Cir. 1980), cert. denied, 452 U.S. 961 (1981), and we are bound by that holding. Appellant's attack on the allegedly selective recording of the grand jury testimony fails under United States v. Antonick, 481 F.2d 935 (9th Cir.), cert. denied, 414 U.S. 1010 (1973).

It does appear that the district judge in sentencing may have relied on information which had not been disclosed to the defense for rebuttal or comment. United States v. Perri, 513 F.2d 572 (9th Cir. 1975), requires that the sentence be vacated and the cause remanded for resentencing after comment by the appellant on any adverse material in the

sentencing file. The district court on its own motion properly invited the remand.

Conviction affirmed and case remanded.

FILED Aug. 5, 1982

PHILLIP B. WINBERRY
Clerk, U.S. Court of Appeals

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, vs. PETER S. TRAYNOR, Defendant-Appellant.	No.81-1723 ORDER

Before: KENNEDY, POOLE, and REINHARDT, Circuit Judges.

The panel as constituted in the above case has voted to deny the petition for rehearing. Judges Kennedy, Poole, and Reinhardt have voted to reject the suggestion for a rehearing en banc.

The full court has been advised of

the suggested for en banc hearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed.R.App. P. 35(b).

The petition for rehearing is denied, and the suggestion for a rehearing en banc is rejected.